

REPLY PURSUANT TO 37 C.F.R. § 1.116**REMARKS**

Claims 1-10 and 13-30 are currently pending in the application, claims 1-3 and 13-30 stand rejected and claims 4-10 are objected to. The Examiner in his September 14, 2004, office action noted that the amendment filed September 2, 2004, was entered into the application, that claims 1, 2 and 30 were amended and claims 11-12 were cancelled. In view thereof, the rejection under 35 U.S.C. 112, first paragraph, as set forth in the previous office action is withdrawn.

Applicants gratefully acknowledge receipt of an Advisory Action via email on December 9, 2004, pursuant to a response under 37 C.F.R. § 1.116 filed on November 19, 2004, and stating reasons for non-entry of that response. Applicants also gratefully acknowledge the Examiner's return telephone call of December 9, 2004, and suggestion to further limit new claim 31 by reciting the diseases diabetic nephropathy, insulin resistance, diabetic neuropathy, diabetic retinopathy, myocardial infarction, cataracts and diabetic cardiomyopathy and cancellation of claim 2.

By way of this amendment new claim 31 is added, claims 4-10 and 14-18 are each amended to recite more distinctly the invention of this application and to overcome the outstanding rejections as discussed in detail below, and claims 1-3, 13 and 21-30 are cancelled without prejudice. Claims 11-12 were previously cancelled. Thus, claims 4-10, 14-20 and 31 are pending in the application. All amendments to the claims have been made in accordance with the procedures set out in 37 C.F.R. § 1.121(c). No new subject matter has been added through these amendments. Applicants respectfully traverse the outstanding rejections as set forth below.

REJECTIONS**Rejection under 35 U.S.C. § 102(b) or rejection under 35 U.S.C. § 103(a)**

Claims 1-3 and 13-30 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Flynn et al. (U.S. Patent No.

5,430,145), already of record for the reasons of record as set forth in the previous Office action, as applied to claims 1-3 and 11-30.

Applicants carefully considered the Examiner's rejections under 35 U.S.C. 102(b) or in the alternative under 35 U.S.C. 103(a) and remarks pertaining thereto in the instant and previous Office Actions, as well as remarks in the Advisory Action and telephone discussion of December 9, 2004, as mentioned above. Applicants accordingly amended the claims presented in the previous response under 37 C.F.R. 1.111 as follows:

1. Claims 1-3, 13 and 21-30 were cancelled without prejudice.
2. Original dependent claim 13 was rewritten as new independent claim 31 that incorporates the limitations of original claim 1 and amendments to original claim 1 from the response under 37 C.F.R. 1.111. New claim 31 further recites only the diseases diabetic nephropathy, insulin resistance, diabetic neuropathy, diabetic retinopathy, myocardial infarction, cataracts and diabetic cardiomyopathy as discussed above.
3. Claims 4-10 and 14-18 were each amended to depend on new claim 31.

Applicants respectfully submit that new claim 31 and amended claims 4-10 and 14-18 are neither anticipated by nor rendered obvious over Flynn et al (US. Patent No. 5,430,145) by virtue of the aforesaid cancellation of claims 1-3, 13 and 21-30; thus, obviating all of the outstanding rejections related thereto. In addition, Applicants submit that amended claims 4-10 and 14-20, and new claim 31 fully satisfy the requirements of 35 U.S.C. § 102(b) as well as 35 U.S.C. § 103(a).

Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) as to claims 14-20 and 31.

Claim Objection

In the Office Action of September 14, 2004, claims 4-10 are objected to as depending from a rejected base claim, but are otherwise in condition for allowance.

Applicants respectfully submit that amended claims 4-10 are now dependent on new claim 31 that Applicants' believe is allowable.

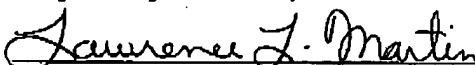
Based on the foregoing, Applicants respectfully request withdrawal of the objection to claims 4-10.

CONCLUSION

Applicants respectfully submit that the claims 4-10, 14-20 and 31 are now in condition for allowance and respectfully request a notice to this effect. Applicants' wish to again thank the Examiner for providing a copy of the Advisory Action via email on December 9, 2004, and for returning applicants telephone call on December 9, 2004, and suggesting revision of new claim 31 to place said claim in condition for allowance. Should the Examiner have any questions please call (collect if necessary) the undersigned agent at the telephone number listed below.

Applicants believe that there are no fees for this submission. However, the Commissioner is hereby authorized to charge any fees that are due to this paper to Deposit Account No. 18-1982 for Aventis Pharmaceuticals Inc., Bridgewater, NJ. Please credit any overpayment to Deposit Account No. 18-1982.

Respectfully submitted,



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